

FILED
PATRICIA A. NOLAND
CLERK, SUPERIOR COURT
6.2 May 31, 2006 11:05 a.m.
By: J. Clark
[Patricia A. Noland]

SUPERIOR COURT OF ARIZONA

PIMA COUNTY

TUCSON, AZ

20
Div

May 30, 2006
Date

Hon. Nanette Warner
Judge

J. Clark
Deputy

NO. CR20013995

STATE OF ARIZONA

Sylvia Lafferty and Richard Platt

VS

BRADLEY ALAN SCHWARTZ (2)

Brick Storts and Maria Davila

DATE(S) OF BIRTH: 01/14/65

SENTENCE OF IMPRISONMENT

The State is represented by the above named Deputy County Attorney; the Defendant is present with counsel named above.

COURT REPORTER: Anne Bouley

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Pursuant to A.R.S. Section 13-607, the Court finds as follows:

JURY VERDICT The determination of guilt was based upon a verdict of guilty after a jury trial.

20
DivMay 30, 2006
DateHon. Nanette Warner
JudgeJ. Clark
DeputyNO. **CR200-3995**

STATE VS. BRADLEY ALAN SCHWARTZ (2)

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following crime(s), that upon due consideration of all the facts, law and circumstances relevant here, the court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

OFFENSE:	Count Two, CONSPIRACY TO COMMIT FIRST DEGREE MURDER
FELONY CLASS:	One
IN VIOLATION OF A.R.S. SECTIONS:	13-1003, 13-1105
DATE OF OFFENSE:	October 05, 2004
SENTENCE:	Life, without the possibility of parole for twenty-five years

This sentence is to date from May 30, 2006. The Defendant is to be given credit for 593 days served prior to sentencing.

IT IS FURTHER ORDERED that the defendant pay:

1. \$13,306.00 Restitution to Joyce Stidham and Andrea Depwe.
2. \$20.00 Time-payment fee pursuant to ARS 12-116.

IT IS ORDERED that thirty percent of the defendant's compensation while at the Arizona Department of Corrections shall be appropriated and disbursed for court-ordered restitution. A.R.S. 31-254(D)(4).

20
Div

May 30, 2006
Date

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NO. **CR200-3995**

STATE VS. BRADLEY ALAN SCHWARTZ (2)

IT IS FURTHER ORDERED that the defendant pay: \$135,196.08 attorney's fees and \$120,098.23 costs; with credit for \$10,511.01 which has already been paid and any additional amounts that have been applied.

IT IS FURTHER ORDERED that the amounts are reduced to criminal restitution order pursuant to ARS 13-804, -805.

Pursuant to ARS 13-603(G),

IT IS FURTHER ORDERED that the defendant's license to practice medicine is hereby revoked.

IT IS FURTHER ORDERED that the Arizona Medical Board receive a copy of this order.

IT IS ORDERED authorizing the Sheriff of Pima County to deliver the Defendant to the custody of the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein; however, defense counsel has requested that the defendant not be transported at this time.

IT IS THEREFORE ORDERED that the defendant not be transported to the Department of Corrections for sixty days pending disposition of his special action, unless ordered otherwise by the Court.

IT IS ORDERED that the Clerk of the Court shall remit to the Department of Corrections a copy of this order together with all pre-sentencing reports, probation violation reports, medical and psychological reports relating to the Defendant and involving this cause.

20
DivMay 30, 2006
DateHon. Nanette Warner
JudgeJ. Clark
Deputy

NO. CR200:3995

STATE VS. BRADLEY ALAN SCHWARTZ (2)

Let the record reflect that the Defendant's fingerprint is permanently affixed to the signature page of this sentencing order in open Court.

The Defendant is advised concerning rights of appeal and written notice of those rights is provided.

FILED IN COURT: Order of Confinement, Pre-Sentence Report, Rights of Review.

Later, in chambers:

The Court having received updated figures on the amount of attorney's fees and defense costs paid by the County in accordance with the attached memorandum,

IT IS HEREBY ORDERED modifying the order as to attorney's fees and costs set forth above, as follows:

IT IS ORDERED that the defendant pay attorney's fees in the amount of \$135,196.08 and defense costs in the amount of \$109,606.23 for a total of \$244,802.31 with credit for \$56,186.73 paid to date.

IT IS FURTHER ORDERED assessing a \$25.00 Indigent Administrative Assessment fee.

IT IS FURTHER ORDERED that these amounts be reduced to criminal restitution order pursuant to ARS 13-804, -805.

IT IS FURTHER ORDERED that the defendant continue to pay the amount of his disability check to the Clerk of the Court, to be applied to attorney's fees and costs until paid in full or further order of the Court.




HON. NANETTE WARNER

Distribution (only) on next page.

20
Div

May 30, 2006
Date

Hon. Nanette Warner
Judge

J. Clark
Deputy

NO. CR200:3995

STATE VS. BRADLEY ALAN SCHWARTZ (2)

cc:

Hon. Nanette Warner

Pinal County Attorney - S. Lafferty/R. Platt

County Attorney - Victim Notification

Brick Storts, Esq.

Maria Davila, Esq.

Adult Probation

Clerk of Court - Accounting

Clerk of Court - Appeals

Sheriff - 3 certified

DOC - 1 certified

Office of Court Appointed Counsel

Arizona Medical Board (1 certified copy)

Attn: Timothy C. Miller, Executive Director

9545 East Doubletree Ranch Road, Scottsdale, AZ 85258

Arizona Medical Board (Faxed 6/2/06 to: 480-551-2707)



Memorandum

MEMO TO: Honorable Nanette Warner
Division 20

FROM: Caryn Caramella
Administrative Services Manager

DATE: May 30, 2006

SUBJECT: *State v. Schwartz* CR-20043995

Below is a detailed accounting of costs expended to date in the defense of Dr. Bradley Alan Schwartz:

<u>COUNTY COSTS</u>	<u>COLLECTED BY CLERK</u>
Attorney \$135,196.08	07/12/05 \$ 5,535.44
	08/18/05 \$ 5,535.44
Transcriber \$ 9,087.20	09/07/05 \$ 5,535.44
	10/03/05 \$ 5,535.44
Court Reporter \$ 5,993.90	11/09/05 \$ 5,666.37
	12/12/05 \$ 5,675.72
Paralegal \$ 17,065.05	01/05/06 \$ 5,675.72
	02/06/06 \$ 5,675.72
Investigator \$ 5,433.75	03/06/06 \$ 5,675.72
	05/04/06 \$ 5,675.72
Expert Witness \$ 51,282.61	
Other \$ 20,743.72 (Media Watch / Quik Print)	
TOTAL \$244,802.31	TOTAL \$56,186.73

DIFFERENCE: \$188,615.58

xc: Brick Starts (via e-mail)